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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,500	01/26/2001	Yasuhiro Toda	TESJ.0025	6103

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EXAMINER

GORT, ELAINE L

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/769,500

Applicant(s)

TODA, YASUHIRO

Examiner

Elaine Gort

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter. Parts of the specification appear to be a rough English translation.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the information of said specific customer" in line 13. There is insufficient antecedent basis for this limitation in the claim. It is unclear what information is being output. It is further unclear how the information is output by the verification. Lines 12-14 are unclear.

Claim 2 recites the limitation "the peculiar information server" in 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the identical peculiar information" in line 14. There is insufficient antecedent basis for this limitation in the claim. It is further unclear what is meant by this information.

Claim 3 recites the limitation "said listed identical and peculiar customer information" in line 16. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "said identical and peculiar customer information" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said customer control system body" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "said identical and peculiar customer information" in line 1. There is insufficient antecedent basis for this limitation in the claim. It is further unclear how the information is a "fixed terminal".

In claim 8 it is unclear how the "information is a fixed terminal".

Claim 9 recites the limitation "said customer control system body" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the identical and peculiar information" in 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the information" in line 3. There is insufficient antecedent basis for this limitation in the claim. It is unclear what information is being referred to as various types of information are previously claimed.

Claim 11 recites the limitation "said customer control system body" in line 1.

There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the identical and peculiar information" in line 2.

There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "said customer control system body" in line 1.

There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the identical and peculiar information" in line 2.

There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the identical and peculiar information" in line 2.

There is insufficient antecedent basis for this limitation in the claim.

Claims 20-24 are redundant, respectively, to claims 14-18. It is unclear what further limitations are being claimed.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-24, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipate by Stinson et al. (US Patent 6,286,756).

Stinson et al. discloses the claimed customer information control system.

Stinson et al. discloses an image pickup-element (such as a camera used to take pictures of customers or take fingerprints); a system for encoding and transmitting the image information to an image server (such as the electronic processor that is connected to the biometric device and a storage device containing a database of customer information); an input terminal for inputting peculiar information about the customers (such as terminals in which the customer's banking account information is entered); a system for encoding the input customer information and transmitting the encoded information to a data server (such as the information entered via the input terminals relating to the customer's banking account is encoded, transmitted and stored on the banks server on the network for access); and wherein a photograph of a specific customer is taken to verify the image with the image on the image server, to thereby output the information of the specific customer (customer image is verified against stored image and then access to funds or account information is presented to customer on a monitor or printed form).

All other claimed limitations are either disclosed or inherent.

6. In the event Stinson et al. discussed above is found to not inherently include wireless communication, Internet use, or additional voice recognition verification, claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinson et al.

The use of wireless communication, Internet communication and voice recognition is old and well know in the art of communication and identification,

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respectively, to provide convenient, fast, inexpensive communication and to more accurately identify an individual. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the customer information control system of Stinson et al. with wireless communication, Internet communication and additional voice recognition in order to provide convenient, fast, inexpensive communication and to improve the accuracy of identifying users.

### **Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is (703)308-6391. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703)308-5183. The fax phone number for the organization where this application or processing is assigned is (703)305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

EG *Eg*  
April 25, 2003

*Acting*  
**Richard Gort**  
Supervisory Patent Examiner  
3627